

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 23754 of 2004

Between:

The Fishermen Cooperative Society Ltd., Regn. No. 1-48, Village
Rangampally, Mandal Parigi,
Rangareddy District rep by President Sri K. Lingaiah S/o late Chandraiah R/o
Gangampally Village

... PETITIONER

AND

- 1 The Assistant Director of Fisheries, Ranga Reddy District, Hyderabad
- 2 The Village Secretary, Grampanchayat Rangampally Village, Parigi Mandal,

Ranga Reddy District

- 3 The Sarpanch Rangampally Grampanchayat Rangampally, Parigi Mandal,
Ranga

Reddy District

- 4 The Divisional Panchayat Officer, Chevella, Ranga Reddy district
- 5 The District Panchayat Officer, Ranga Reddy District, Hyderabad
- 6 The Collector, Ranga Reddy District, Lakdi-ka-pul, Hyderabad

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd and 3rd respondents in issuing Demand Notice

Vide GPR No. Auction/2004 dated 16-12-2004 demanding the petitioner society to pay the lease amount of Rs. 35,000/- in respect of lease hold rights of 4 tanks namely i) Pedda Cheruvu ii) Chintala Cheruvu iii) Ura Cheruvu iv) Chakali Kunta, Situated at Rangampally Village, Parigi Mandal Ranga Reddy District highly as illegal arbitrary, discriminatory contrary to the orders issued by the Government of A.P. and also violative of Principles of natural justice apart from being violative of Articles 14, 21 of the Constitution of India consequently set aside the Demand Notice vide GPR No. Auction/2004 dated 16-12-2004 issued by the 2nd and 3rd respondents.

Counsel for the Petitioner: MR.D.L.PANDU

Counsel for the Respondents: GP FOR FISHERIES

The Court, at the admission stage, made the following:

ORDER:

Though the petitioner filed writ petition challenging the Demand Notice dated 16-12-2004 issued by the second and third respondents, he in fact, is assailing the order dated 14-12-2004 in Proc.No.B/478/04 passed by the Divisional Panchayat Officer, Chevella Division, Ranga Reddy District.

2. Heard the learned counsel for the petitioner and the learned Government Pleader appearing on behalf of the respondents and with their consent, the writ petition is being disposed of finally at the admission stage.

3. Petitioner society claims that it is a leaseholder of different tanks situated in Rangampally Village, Parigi Mandal, Ranga Reddy District

and that its members are eking out their livelihood by rearing and harvesting fish in the said tanks. It is stated that for the year 2003-2004, the society had paid lease amount of Rs.800/- through Treasury Challan No.3687 on 23-07-2004 for holding the fishing rights over the tanks. While so, second and third respondents, on the basis of the proceedings of the Divisional Panchayat Officer, have issued notice dated 16-12-2004 to the petitioner, demanding lease amount of Rs.35,000/- for the year 2004-05 stipulating time for payment of the same on or before 23-12-2004, failing which open auction would be conducted for the said tanks. The lease amount demanded, according to the petitioner, is very high.

4 . Learned Government Pleader for Fisheries submits that as per Clause 53 (2) published in G.O. Ms. No.343, P.R. dated 10-04-1978, petitioner has to approach the Collector questioning the fixing of upset price by the Divisional Panchayat Officer.

5. In view of the remedy of review available to the petitioner, I deem it appropriate to dispose of the writ petition with liberty to the petitioner to file a review before the District Collector against the proceedings dated 14-12-2004 of the fourth respondent, and the consequential Demand Notice issued by the second and third respondents. The District Collector, shall consider the review petition filed by the petitioner, and pass appropriate orders on the same, expeditiously, in accordance with law. Till appropriate orders are passed on the review that may be filed by the petitioner, auction scheduled on 23-12-2004 shall stand stayed.

The writ petition is accordingly disposed at the admission stage.

N.V. RAMANA, J

December 21, 2004

Note: Furnish copy in two days

(B/o)

MRR/NSR

Copy to:

1 The Assistant Director of Fisheries, Ranga Reddy

District, Hyderabad

2 The Village Secretary, Grampanchayat Rangampally

Village, Parigi Mandal, Ranga Reddy District

3 The Sarpanch Rangampally Grampanchayat

Rangampally, Parigi Mandal, Ranga Reddy District

4 The Divisional Panchayat Officer, Chevella, Ranga

Reddy district

5 The District Panchayat Officer, Ranga Reddy

District, Hyderabad

6 The Collector, Ranga Reddy District, Lakdi-ka-

pul, Hyderabad

7 Two C.C. s to the G.P. for Fisheries, High Court

Buildings, Hyderabad OUT)

8 Two C.D.Copies.